

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EAGLE FORUM,)
)
Plaintiff,)
)
vs.) Cause No.: 3:16-CV-00946-NJR-RJD
)
PHYLLIS SCHLAFLY'S AMERICAN)
EAGLES,)
)
Defendant.)

DECLARATION OF ANDREW L. SCHLAFLY

COMES NOW Andrew L. Schlafly, and after being duly sworn, deposes and states:

1. My name is Andrew L. Schlafly.
2. I am an individual over the age of twenty (21). I have personal knowledge of the facts stated herein. I am competent to testify to these facts at trial.
3. I am a licensed attorney in the States of New Jersey and New York. My licenses are in good standing.
4. In May 2016, "Phyllis Schlafly's American Eagles" ("PSAE") was created, which is the Defendant in this lawsuit. Previously the name of this corporate entity was "Citizens Empowerment League."
5. Since May 2016, I have been a director of PSAE. As a director, I am familiar with PSAE's goals.
6. PSAE is tax-exempt as a 501(c)(4) organization for purposes of federal income tax law. As a 501(c)(4) organization, PSAE has engaged in political campaign activities and other forms of political advocacy consistent with applicable state and federal law.
7. I am familiar with the lawsuit pending in this matter by Eagle Forum ("Plaintiff") against PSAE.

8. I am further specifically familiar with the procedural and substantive history of this case, particularly the summary judgment filing by PSAE in August 2019 and Plaintiff's response.

9. I have also read and reviewed Plaintiff's "Motion and Memorandum of Law in Support to Stay or in the Alternative for Continuance of Trial Setting" filed on or about November 27, 2019.

10. A stay or continuance of the January 2020 trial setting would be burdensome, prejudicial and harmful to PSAE for several reasons.

11. This litigation has been pending for over three years. PSAE has patiently been waiting for a resolution to this case and has been preparing for trial.

12. PSAE is engaged in First Amendment political speech, and 2020 is a presidential election year. Some donors are deterred from supporting PSAE as long as this litigation persists, and thus delays in resolution of this case chills First Amendment speech.

13. Plaintiffs' claims against PSAE are without merit, as demonstrated by the motion for summary judgment filed by PSAE in August 2019.

14. PSAE is prepared to defend Plaintiff's meritless claims at trial to the extent the pending motion for summary judgment is not granted.

15. Plaintiff's lawsuit is improper because, among other things, it is wrongfully accusing PSAE of Lanham Act violations for engaging in political speech and activity protected under the First Amendment. It is my belief that this lawsuit has had a chilling effect on PSAE's political speech and ability to operate as a political entity.

16. If the Court grants a continuance, I fear that this would have a harmful effect on PSAE because it will impair its ability to engage in political advocacy during the upcoming election year.

17. For this reason, and other reasons, I believe Plaintiff's motion for a continuance should be denied.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of December 2019

Andrew L. Schlafly

Andrew L. Schlafly